

MINUTES OF THE CHARTER TOWNSHIP OF MUNDY  
REGULAR BOARD MEETING HELD ON APRIL 12, 2010

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The Regular Meeting of the Charter Township of Mundy was called to order by SUPERVISOR D. Guigear at 7:00 pm. CLERK T. Ketzler, TREASURER J. Oskey, TRUSTEES B. Morey, B. Harrison, D. Owens and M. Frost were present. Also present ATTORNEY F. Belzer, FINANCE DIRECTOR K. Ruddy, POLICE MARSHAL J. Petres and FIRE CHIEF T. Romans. The Pledge of Allegiance was led by Trustee Frost.

**APPROVAL AND CORRECTION OF MINUTES**

Action Taken - Motion by Treasurer Oskey, supported by Trustee Harrison to approve the minutes of the March 22, 2010 regular meeting as submitted.

MOTION CARRIED, Unanimously.

**PUBLIC COMMENT**

There was no public comment.

**ANNOUNCEMENTS**

Supervisor Guigear stated that Planning Commission meeting will be held on April 14, 2010 at 7:00 pm and Zoning Board of Appeals meeting will be held on April 28, 2010 at 7:00 pm.

**A. April 26, 2010 Meeting**

Supervisor Guigear announced that the next regular meeting will be held on April 26, 2010 at 10:00 am.

**B. Presentation by Drain Commissioner Jeff Wright**

Mr. Jeff Wright and Mr. John O'Brien were present. Mr. Wright gave an extensive presentation regarding the proposal for construction of the Karegnondi water line. The water line construction is an alternative to engaging in another 30 year contract with Detroit for water.

Action Taken - Motion by Supervisor Guigear, supported by Treasurer Oskey to adjourn the board meeting in order to conduct the Liquor Control Community Standards Review hearing at 7:43 pm.

MOTION CARRIED, Unanimously

Mr. Belzer stated that in 2006 Mundy Township adopted the community standards which are to be annually reviewed by the township. The Michigan Liquor Control Commission (MLCC) renews liquor licenses annually on April 30, therefore the township review should be completed and its findings forwarded to the MLCC by the end of March. Supervisor Guigear suggested that the establishments in question be reviewed in alphabetical order.

**Torri-Max, Inc. dba Maxies**

Marshal Petres explained that two of the standards were exceeded. Specifically the number of reported assaults which was 7 and the number of noise complaints which was 10. It was noted that the number of complaints have decreased since 2006. Mr. Marty Johnson, Building Official, explained that the site is the subject of an on-going

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planning commission case. Currently the issues that remain are lighting, the dumpster enclosure and payment of escrow fees.

Mr. Samuel Terry was present representing Torri-Max, Inc. Mr. Terry assured the board that the applicant is working toward site plan compliance and requested that the circumstances with regard to the reporting of incidents be considered. Mr. Terry stated that he anticipates that the site will be in compliance within 30 to 60 days. Discussion regarding the circumstances of the incidents continued.

Action Taken - Motion by Treasurer Oskey, supported by Trustee Owens to make no recommendation to MLCC with regard to Torri-Max.

Discussion

Supervisor Guigear requested that the issues discussed be addressed within the time frame promised.

Action Taken - Motion by Treasurer Oskey, supported by Trustee Owens to amend the motion to include that the establishment will make the necessary modifications requested by the building official.  
MOTION CARRIED, Unanimously.

Scooter's Inc.

Marshal Petres explained that one of the community standards are that licensee or the stock holders not be in violation of any statute, federal, state or local laws. He reviewed that in 2009 one of the stock holders was charged with three counts as a result of a fatal accident. He continued that only one charge, negligent homicide, remains and there are no other violations of the community standards. Discussion regarding the pending charge and what weight it should hold with regard to the review in question continued.

Action Taken - Motion by Trustee Owens, supported by Clerk Ketzler to make no recommendation to MLCC with regard to Scooter's Inc.  
MOTION CARRIED, Unanimously.

Shap's Restaurant, Inc.

Mr. Marty Johnson gave a history with regard to the site and his recommendations for zoning compliance. Extensive discussion regarding the use of the property for a banquet hall as well as historical and current disregard for the township zoning regulations continued.

Mr. Nikola Pirkovic and Mrs. Anastasia Pirkovic, owners of Shap's, restaurant were present. Mr. Pirkovic stated that he has complied with the concerns of the building official. Mrs. Pirkovic explained that food is being served and she does not feel a violation is taking place. Mr. Johnson explained that he has interpreted the zoning ordinance regulations with regard to the violations. Discussion regarding zoning violations and a need for remedy continued.

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Action Taken - Motion by Trustee Frost, supported by Trustee Morey to make no recommendation to MLCC with regard to Shap's Restaurant and should the owner desire to use the rear of the building for a banquet hall that they be required to seek the proper approvals.

MOTION CARRIED; 4 yes, 3 no (D.G., T.K. and J.O.)

Clerk Ketzler requested that the issue be discussed further to avoid future complications. Treasurer Oskey noted that there should not be a permit for dance and entertainment at the location. Discussion continued.

Action Taken - Motion by Clerk Ketzler, supported by Treasurer Oskey to close the Liquor Control Commission Community Standards Review hearing at 8:45 pm.

MOTION CARRIED, Unanimously

**COMMITTEE REPORTS**

**FIRE DEPARTMENT – Chief Romans**

**A. Monthly Report**

Chief Romans requested that the monthly report be accepted as submitted. Discussion regarding new licensing for firefighters continued.

**B. Termination**

Chief Romans explained that one firefighter has submitted a resignation and another has moved out of the allowable jurisdiction. Discussion regarding a process with regard to termination continued.

Action Taken - Motion by Treasurer Oskey, supported by Trustee Harrison to accept the resignation of Firefighter Abigail Riley effective May 1, 2010.

Discussion

Supervisor Guigear requested that the condition of return of township equipment be added to the motion. Trustee Frost questioned retirement in lieu of resignation.

MOTION CARRIED, Unanimously

**C. Spring Fire School**

Chief Romans stated that he will be sending two firefighters to spring fire school in Roscommon.

**POLICE DEPARTMENT – Marshal Petres**

**A. Disposal of Old Patrol Vehicle**

Marshal Petres requested that he be allowed to dispose of a 1998 Chevrolet Lumina.

Action Taken - Motion by Treasurer Oskey, supported by Trustee Harrison to dispose of a 1998 Chevrolet Lumina.

MOTION CARRIED, Unanimously.

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B. Resignation of Patrol Officer

Marshal Petres explained that he has received the resignation of Officer Ronald O'Neil pending a determination that he is vested for retirement.

Action Taken - Motion by Clerk Ketzler, supported by Treasurer Oskey to regretfully accept the resignation of Officer Ronald O'Neil pending the determination with regard to retirement.

Discussion

Discussion regarding the completion of retirement documents continued.  
MOTION CARRIED, Unanimously.

C. Approval to Proceed with Selection of Replacement of Full-Time Patrol Officer

Marshal Petres explained that currently there is a pool of applicants for position of patrol officer. He requested that he be allowed to take steps to begin the hiring process. Discussion regarding hiring part-time officers until such a time that the budget is more stable ensued.

Action Taken - Motion by Trustee Oskey, supported by Clerk Ketzler to approve that two additional part-time officers be hired to fill the vacancy created by the resignation of a full-time officer.

MOTION CARRIED, Unanimously.

D. Approval to Solicit Proposals for Sergeant Promotion Process

Marshal Petres requested that he be allowed to begin the process to replace one sergeant.

Action Taken - Motion by Trustee Oskey, to not take steps to fill the vacancy created by the retirement of one sergeant for the reasons previously discussed.

Extensive discussion regarding utilizing only two sergeants and the notation regarding accrued vacation by the retiring sergeant continued.

MOTION FAILED for lack of support.

Discussion regarding the sergeant promotion process continued.

FINANCE DEPARTMENT – K. Ruddy

A. 2010 Budget Amendment Resolution No. 10-03

Ms. Ruddy explained that documentation regarding the resolution was previously provided and requested that the resolution be approved as presented.

Action Taken - Motion by Trustee Oskey, supported by Trustee Harrison to approve 2010 Budget Amendment Resolution No. 10.03.

M.F. yes / B.M. yes / D.O. yes / B.H. yes / T.K. yes / D.G. yes / J.O. yes

MOTION CARRIED, Unanimously.

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**SUPERVISOR - D. Guigear**

**A. Lawn Care Bids**

Supervisor Guigear opened the following sealed bids:

1. Woods Lawn Care - \$12,400.00 with insurance certificate
2. Shoemaker Services, Inc. - \$10,037.50 with no insurance certificate
3. Quality Land Management - \$11,883.00 with insurance certificate
4. Ace Outdoor Services - \$11,480.00 with insurance certificate
5. Johnny III Trucking - \$20,910.00 with insurance certificate
6. Fox Lawn & Snow - \$12,555.00 with insurance certificate
7. Illumiscapes Lawncare - \$35,169.00 with insurance certificate
8. J & S Landscape - \$15,960.00 with insurance certificate
9. Incredible Lawnsapes - \$21,000.00 with insurance certificate
10. Mark's Lawncare - \$16,300.00 with insurance certificate
11. Mike's Services - \$11,999.79 with insurance certificate
12. Atomic Grounds Maintenance, LLC - \$13,100.00 with insurance certificate

Supervisor Guigear noted that the township is familiar with Ace Lawncare and they submitted the lowest bid with insurance.

Action Taken - Motion by Trustee Owens, supported by Trustee Harrison to accept the bid from Ace Outdoor Services for lawn care.

Discussion

Treasurer Oskey expressed some concerns with mowing. Supervisor Guigear noted that Treasurer Oskey's concerns will be addressed.

MOTION CARRIED, Unanimously.

**B. Letter of Support- Swartz & Patriot**

Supervisor Guigear explained that ambulance companies are required to seek the support of the municipality in which they operate. Representatives were present.

Action Taken - Motion by Supervisor Guigear, supported by Treasurer Oskey to approve the letter of support for Swartz Ambulance Service and Patriot Ambulance Service.

MOTION CARRIED, Unanimously.

**C. Firearms of Township Property**

Supervisor Guigear summarized that individuals with concealed weapons permits are allowed to bring weapons into township buildings. Mr. Belzer stated that the only prevention measure is to post the property and then an individual could be charged with trespassing. Discussion continued.

**E. Fire Department Mutual Aid Response**

Supervisor Guigear stated that the fire chief has made a recommendation with regard to mutual aid response. Discussion regarding the mutual aid concept; current issues in the City of Flint; county-wide cooperation and discussion with the union continued.

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Action Taken - Motion by Clerk Ketzler to approve option two recommended by Chief Romans as read aloud.

Discussion

Supervisor Guigear requested a meeting with the union with regard to the recommended changes to mutual aid response.

Action Taken - Motion by Clerk Ketzler to rescind her motion to approve option two.

**COMMUNICATIONS**

Supervisor Guigear announced that the following communications have been received:

1. Information regarding the MTA challenge to the Consumers Energy Increase
2. Comcast contract renewal correspondence
3. Genesee County Water and Waste Drain maintenance map
4. Genesee County Road Commission overweight load restriction changes
5. Building Department summary and inspection report
6. Assessment Department report
7. Information regarding the new road commissioner John G. Mandelaris
8. Stop Dating Violence.org resolution

**CLERK – T. Ketzler**

A. Political Signs / Township Property

Clerk Ketzler stated that she would like to board to take action preventing the use of township property for political advertisement by the placement of signs in the ground.

Action Taken - Motion by Clerk Ketzler, supported by Trustee Owens to not allow the use of township property for political advertisement by the placement of signs in the ground.

MOTION CARRIED, Unanimously.

B. FYI - Election Committee

Clerk Ketzler stated that an election committee was held. Election workers for the May election were drawn; the polling places will remain the same and both the M100 and the Automark were approved as voting equipment.

C. Census Training April 26 through April 29

Clerk Ketzler informed the board that the election room will be used for census worker training from April 26 through April 29.

**TREASURER – J. Oskey**

A. Master Meter Read (GCWW)

Treasurer Oskey stated that Genesee County Water and Waste has provided an estimate for the master metering at \$550,000 and \$300,000. He is not requesting action at this time.

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**B. Tax ID Number (Use of)**

Ms. Ruddy explained that she has been made aware that unauthorized parties have inadvertently used the township's tax identification number.

**TRUSTEES**

Trustee Harrison explained that the University of Michigan has not received any applications for the market manager position. Discussion regarding the position, the wage and advertisement continued.

**PUBLIC COMMENT**

There was no public comment.

**ACCOUNTS PAYABLE**

Treasurer Oskey stated that appears that the per-stop rate for Richfield Management is incorrect and he will seek a credit.

Action Taken - Motion by Treasurer Oskey, supported by Clerk Ketzler to approve to pay all of the following invoices: General Fund checks #55223 through #55276 totaling \$128,917.54. Payroll DD #3873 through #3973; Payroll checks #15752 through #15777; EFT #350 through #358 totaling \$183,407.93; Sewer checks #1923 through #1926 totaling \$42,940.88 for a grand total of \$355,266.35. Checks dated prior to April 12, 2010 shall be post audited per Resolution 08-12.  
MOTION CARRIED, Unanimously.

**ADJOURNMENT**

Action Taken - Motion by Treasurer Oskey, supported by Trustee Owens to adjourn at 10:00 pm.  
MOTION CARRIED, Unanimously.

Respectfully Submitted,

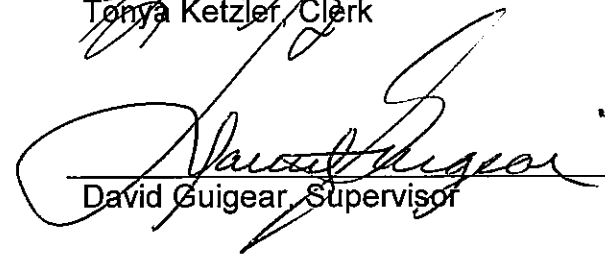
4-29-10

Dated  
TK/aeb

Approved:  
5-10-10


Dated  
DG/aeb

  
Tonya Ketzler, Clerk

  
David Guigear, Supervisor

These minutes were prepared by Amanda EW Bastuk, for Mundy Township

28 April 2010  
Dated

  
Amanda EW Bastuk, Recording Secretary